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ABSTRACT

This document consists of a summary and analysis of the Job Training Partnership Act (JTPA) of 1982 as well as an explanation of selected provisions of interest to individuals and groups concerned about employment and training opportunities for women. (Designed to replace the Comprehensive Employment and Training Act, the JTPA permanently authorizes job training programs for economically disadvantaged individuals and others who face serious barriers to employment.) Outlined first are the provisions contained in the five titles of the act as they pertain to state and local job training partnerships, training services for the disadvantaged, employment and training assistance for dislocated workers, federally administered programs, and miscellaneous provisions. The second half of the document examines various provisions of the act that are of particular relevance to employment and training opportunities for women, including the purpose of the act, authorization of appropriations, service delivery systems, additional state responsibilities, program requirements for service delivery systems, federal and fiscal administrative provisions, adult and youth programs, employment and training programs for migrant and seasonal farmworkers and for Native Americans, veterans' employment programs, national activities, labor market information, and training to fulfill affirmative action obligations. (MN)

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SUMMARY AND ANALYSIS
OF THE JOB TRAINING PARTNERSHIP ACT OF 1982
WITH
SELECTED PROVISIONS OF INTEREST TO
INDIVIDUALS AND GROUPS CONCERNED
ABOUT EMPLOYMENT AND TRAINING
OPPORTUNITIES FOR WOMEN

U.S. DEPARTMENT OF EDUCATION
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PREPARED BY
WOMEN'S BUREAU
U.S. DEPARTMENT OF LABOR

NOVEMBER 1982

CE035429

U.S. Department of Labor

Office of the Secretary
Women's Bureau
Washington, D.C. 20210

November 1982

Dear Friends:

I am pleased to share with you this summary and analysis of provisions of the Job Training Partnership Act of 1982 (JTPA). The JTPA replaces the Comprehensive Employment and Training Act (CETA) on October 1, 1983. The new law increases substantially the role of State governments in federally funded job training, and provides for an equal partnership between local government units and the private sector in planning and implementing training plans. Following a transition period which ends in fiscal year 1983, the new structure will be fully established on October 1, 1983.

The JTPA contains language which reflects concern that the needs of women eligible to participate will be addressed adequately. However, it is essential that individuals and groups become knowledgeable about the legislation and work closely with Federal, State, and local government officials and private industry councils (PIC's) so that JTPA implementation is consistent with the intent of the law.

Key opportunities for public review, comment, and participation include: regulations proposed by the Secretary of Labor, appointments to the State job training coordinating councils and PIC's, and development of local job training plans. See the time line on page 15 for approximate dates for publication of the regulations.

This summary and analysis of provisions has been developed by the Women's Bureau to provide information which will be helpful in working with agencies and individuals involved in implementation of JTPA. I encourage you to participate as fully as possible in the process of implementation in order to ensure equal training opportunities for women and achievement of the dual performance goals of the act--reduced welfare dependency and increased employment and earnings.

Sincerely,

Lenora Cole Alexander

Lenora Cole-Alexander, Ph.D.
Director

JOB TRAINING PARTNERSHIP ACT OF 1982

SUMMARY

The Job Training Partnership Act of 1982, (JTPA), Public Law 97-300, is legislation permanently authorizing job training programs for economically disadvantaged individuals and others who face serious barriers to employment. JTPA replaces the Comprehensive Employment and Training Act (CETA). It gives a larger role to States, which will now have administrative responsibility for training programs, and to the private sector, which will have equal authority with local governments in planning and implementing programs. The five titles in the act are outlined below:

Title I -- Job Training Partnership

Title I outlines the service delivery system. Each State Governor will designate service delivery areas (SDA's) within the State, based on proposals made by the State job training coordinating council. Local government units and voluntary consortia with populations of 200,000 and over will be designated service delivery areas upon request. In each SDA, local government units and the private industry council (PIC) will be equal partners in deciding on procedures for development of 2-year job training plans and in choosing grant recipients and administrators for the plans. The PIC will provide policy guidance for and exercise oversight of the job training plan. Members of the private industry council will be appointed by local government officials from nominations offered by business and other specific interest organizations. A majority of members must represent business; the others will represent education, labor, rehabilitation agencies, community-based organizations, economic development agencies, and the Employment Service.

Performance standards mandated by the act will be based on increases in employment and earnings and on reduction of welfare dependency. Seventy percent (70%) of the funds available for each SDA must be spent on training. The act puts a cap of 15 percent on administrative costs, and a ceiling of 30 percent on administration, supportive services, allowances, and wages combined. However, under certain specified conditions, a waiver of the supportive services ceiling may be granted by the Governor. No funds may be used for public service employment except for Native American and Migrant and Seasonal Farmworkers programs. The act prohibits discrimination based on race, color, religion, sex, national origin, age, handicap, or political affiliation or belief; laws prohibiting discrimination in federally assisted programs are specifically applicable to the act.

Title II -- Training Services for the Disadvantaged

Funds appropriated by Congress will be passed through the Secretary of Labor to State Governors according to a formula based on unemployment and the number of economically disadvantaged persons. The formula allocates one-third of the funds on the basis of substantial unemployment (at least 6.5 percent), one-third on excess unemployment (excess of 4.5 percent), and one-third on the number of economically disadvantaged persons in the State. Funds will then go to service delivery areas within the State by the same formula.

Under title II a broad range of training activities are authorized, including on-the-job and classroom training, work experience, remedial education, counseling, job development, and supportive services. Forty percent (40%) (percentage to be adjusted if necessary) of the funds must be spent on youth 16 through 21 years of age.

Ninety percent (90%) must be spent on the economically disadvantaged. Up to ten percent (10%) may be spent on those not disadvantaged if they have other employment barriers, such as those with limited English-language proficiency, displaced homemakers, school dropouts, teen parents, and older workers. Seventy-eight percent (78%) of the funds allocated to each State must be distributed to the service delivery areas. Eight percent (8%) of the State funds are allocated to joint education projects, 3 percent to programs for older workers, and 6 percent to incentive grants for programs exceeding performance standards or serving hard-to-serve individuals. Summer youth programs are authorized separately under title II.

Title III -- Employment and Training Assistance for Dislocated Workers

This is a new State-administered program to provide training and other employment services to dislocated workers (those laid off due to plant closings, the long-term unemployed, and those who are unable to return to the same industry or occupation). States must match the Federal funds, but the matching requirement is reduced if the State has higher than average unemployment.

Title IV -- Federally Administered Programs

This title extends and strengthens the Job Corps program, reauthorizes the programs for Native Americans and Migrant and Seasonal Farmworkers, and establishes a new program for veterans. Also authorized on the national level are multi-State programs, pilot projects, research and demonstration, evaluation, and labor market information programs. (Under multi-State programs the act includes programs for women, single parents, displaced homemakers, and older workers.) The National Commission for Employment Policy is reconstituted as a nongovernmental commission.

Title V -- Miscellaneous Provisions

This title amends the Wagner-Peyser Act to require the Employment Service to coordinate its activities with local job training programs. It also amends part C of title IV of the Social Security Act (the WIN program) to remove discriminatory language and to provide for coordination with JTPA service delivery area programs. It requires that participants in JTPA programs not be violators of the Military Selective Service Act.

SELECTED PROVISIONS OF INTEREST TO INDIVIDUALS
AND GROUPS CONCERNED ABOUT EMPLOYMENT AND
TRAINING OPPORTUNITIES FOR WOMEN

Several summaries which outline the structure and operation of JTPA are available. However, most do not adequately elaborate on the language in the act which is particularly relevant to delivery of training services to women. The following provisions, quoted or excerpted from the act, were selected to assist individuals and groups concerned about equal training opportunity for women to become knowledgeable about the law. This knowledge will increase their effectiveness in dealing with Federal, State, and local government officials and private industry councils as they take action to ensure that training programs address the needs of eligible women participants. Notes, taken in most cases from the conference report, have been included for clarification. Section numbers from the legislation are provided to facilitate reference to the act. The texts of the JTPA and the conference report were printed in the Congressional Record on September 28, 1982.

Statement of Purpose "It is the purpose of this Act to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment." Section 2

Authorization of Appropriations "There are authorized to be appropriated to carry out part A of title II [adult and youth programs] and title IV [federally administered programs other than Job Corps] such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year. From the amount appropriated ... not more than 7 percent ... shall be available to carry out parts A [Native American and Migrant and Seasonal Farmworkers programs], C [veterans programs], D [national programs], E [labor market information program], F [National Commission for Employment Policy], and G [training to fulfill affirmative action obligations] of title IV. Of the amount ... 5 percent shall be available for part C ... and ... $2,000,000 shall be available for part F of title IV. " Section 3(a) NOTE: Some of these programs are being funded under the current CETA legislation under the continuing resolution. Congress had not appropriated any funds under the Job Training Partnership Act prior to November 1982. The 97th Congress reconvened November 29, 1982.

"There are authorized to be appropriated to carry out part B of title II [summer youth programs] such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year." Section 3(b)

"There are authorized to be appropriated to carry out title III [dislocated workers] such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year." Section 3(c)

"There are authorized to be appropriated $618,000,000 for fiscal year 1983, and such sums as may be necessary for each succeeding fiscal year, to carry out part B of title IV of this Act [Job Corps]." Section 3(d)

Definitions "The term 'community-based organizations' means private nonprofit organizations which are representative of communities or significant segments of

communities and which provide job training services (for example,... organizations operating career intern programs, neighborhood groups and organizations,... agencies serving youth, agencies serving the handicapped, agencies serving displaced homemakers,...), and organizations serving nonreservation Indians ..., as well as tribal governments and Native Alaskan groups." Section 4(5)

"The term 'economically disadvantaged' means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income, for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level ..., or (ii) 70 percent of the lower living standard income level; (C) is receiving food stamps ...; (D) is a foster child on behalf of whom State or local government payments are made; or (E) in cases permitted by regulations of the Secretary, is an adult handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements." Section 4(8)

"The term 'private sector' means, for purposes of the State job training councils and private industry councils, persons who are owners, chief executives or chief operating officers of private for-profit employers and major non-governmental employers, such as health and educational institutions or other executives of such employers who have substantial management or policy responsibility." Section 4(19)

"The term 'supportive services' means services which are necessary to enable an individual eligible for training under this Act, but who cannot afford to pay for such services, to participate in a training program funded under this Act. Such supportive services may include transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling, and other reasonable expenses required for participation in the training program and may be provided in-kind or through cash assistance." Section 4(24)

TITLE I -- JOB TRAINING PARTNERSHIP

Part A -- Service Delivery System

Establishment of Service Delivery Areas "The Governor shall, after receiving the proposal of the State job training coordinating council, publish a proposed designation of service delivery areas for the State ...." Section 101(a)(1)
NOTE: The Governor may designate an entire State as a service delivery area. Proposed regulations on the establishment of State job training coordinating councils and designation of service delivery areas are to be published for public comment in the Federal Register by December 10, 1982.

"Units of general local government (and combinations thereof), business organizations, and other affected persons or organizations shall be given an opportunity to comment on the proposed designation of service delivery areas and to request revision thereof." Section 101(a)(3)

"The Governor shall approve any request to be a service delivery area from -- (i) any unit of general local government with a population of 200,000 or more; (ii) any consortium of contiguous units of general local government with an

aggregate population of 200,000 or more which serves a substantial part of a labor market area; and (iii) any concentrated employment program grantee for a rural area which served as a prime sponsor under the Comprehensive Employment and Training Act." Section 101(a)(4)(A)

Establishment of Private Industry Council "There shall be a private industry council for every service delivery area .... Each council shall consist of -- (1) representatives of the private sector, who shall constitute a majority of the membership ...; and (2) representatives of educational agencies ..., organized labor, rehabilitation agencies, community-based organizations, economic development agencies and the public employment service." Section 102(a) NOTE: Private sector representatives will be selected from nominations made by business organizations.

"... Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business, including minority business." Section 102(c)(1)(A) NOTE: For this purpose, small business means private for-profit enterprises with fewer than 500 employees.

"Education representatives on the council shall be selected from among individuals nominated by local education agencies ...." Section 102(c)(2)

"The remaining members of the council shall be selected from individuals recommended by interested organizations ...." Section 102(c)(3)

NOTE: This provides an opportunity for women's organizations, community-based organizations, and other parties who are interested in having women's interests represented to recommend candidates.

Functions of the Private Industry Council "It shall be the responsibility of the private industry council to provide policy guidance for, and exercise oversight with respect to, activities under the job training plan for its service delivery area in partnership with the unit or units of general local government within its service delivery area." Section 103(a)

"The council in accordance with an agreement or agreements with the appropriate chief elected official or officials ..., shall -- (A) determine procedures for the development of the job training plan, which may provide for the preparation of all or any part of the plan (i) by the council, (ii) by any unit of general local government in the service delivery area, or by an agency thereof, or (iii) by such other methods or institutions as may be provided in such agreement; and (B) select as a grant recipient and entity to administer the job training plan (which may be separate entities), (i) the council, (ii) a unit of general local government in its service delivery area or an agency thereof, (iii) a nonprofit private organization or corporation, or (iv) any other agreed upon entity or entities." Section 103(b)(1) NOTE: The functions of the private industry council are key to the way funds are expended, programs developed, and participants selected and served. Therefore, representation on this council provides an important means for women's groups to influence employment and training programs.

Job Training Plan "No funds appropriated for any fiscal year may be provided to any service delivery area under this Act except pursuant to a job training plan

for two program years ...." Section 104(a) [Among the elements to be included in each job training plan are: identification of the entity or entities which will administer the program and the grant recipient; description of services to be provided, including estimated duration and training cost per participant; procedures for identifying and selecting participants; performance goals; procedures for selecting service providers which take into account past performance in "job training or related activities."] NOTE: The conference report states: "The Conferees expect that [labor market and demographic] analyses will be used as a basis for planning." The conferees go on to say: "It is a responsibility of the PIC and local elected officials to ensure that the needs of all parts of the service delivery area are addressed equitably."

Review and Approval of Plan "Not less than 120 days before the beginning of the first of the two program years covered by the job training plan -- (A) the proposed plan or summary thereof shall be published; and (B) such plan shall be made available for review and comment to -- (i) each house of the State legislature for appropriate referral, (ii) appropriate local educational and other public agencies in the service delivery area, and (iii) labor organizations in the area which represent employees having the skills in which training is proposed; and (C) such plan shall be reasonably available to the general public through such means as public hearings and local news facilities." Section 105(a)(1)

"The Governor shall approve the job training plan or modification thereof unless..." [the Governor finds deficiencies in audits, performance standards, capacity to administer funds, adequate safeguards for funds, or compliance with provisions of the act or regulations.] Section 105(b)(1) NOTE: The conferees noted that the limited authority of the Governors to disapprove plans was intended to fix policymaking responsibility at the local level, under the control of the partnership between chief elected officials and the private sector. "It is the intent of the Conferees that decisions concerning local priorities in relation to such issues as participant mix, training strategies, service deliverers, etc., remain solely within the purview of local decision-makers, as long as such decisions do not violate the provisions of the Act."

Performance Standards "The Congress recognizes that job training is an investment in human capital and not an expense.... The basic return on the investment is to be measured by the increased employment and earnings of participants and the reductions in welfare dependency." Section 106(a) [The Act provides that the Secretary of Labor will develop separate performance standards for adult and for youth programs under title II, for dislocated workers programs under title III, and for programs serving special populations under title IV. The Governor of each State may, within limits, prescribe variations in the performance standards established by the Secretary.]

Selection of Service Providers "The primary consideration in selecting agencies or organizations to deliver services ... shall be the effectiveness ... in delivering comparable or related services based on demonstrated performance, in terms of the likelihood of meeting performance goals, cost, quality of training, and characteristics of participants. In complying with this subsection, proper consideration shall be given to community-based organizations as service providers." Section 107(a) NOTE: The conference report indicates that "these provisions are not intended to preclude the selection of new service providers."

Limitation on Certain Costs "Not more than 15 percent of the fund available to a service delivery area ... under part A of title II may be expended for the cost of administration .... Not more than 30 percent of the funds ... may be expended for administrative costs ... [and for supportive services]." Section 108(a) and (b)(1)

"Expenditures may be made in excess of [the 30 percent] if the private industry council ... initiates a request for such excess costs; and excess costs are due to ... (i) [high unemployment]; (ii) the job training plan ... proposes to serve a disproportionately high number of participants ... requiring exceptional supportive service costs, such as ... offenders, and single heads of households with dependent children; (iii) [there are unusually high child care costs; (iv) transportation costs; or (v) training programs last more than 9 months]." Section 108(c)(2) NOTE: The conference report states "The conferees also recognize that many individuals may be prevented from participation in a training program due to the additional expenses incurred from such participation and have provided for a broad range of supportive services and allowances which may be granted to participants on needs basis .... To address these extraordinary needs, the conferees have provided that the Governor ... shall waive the 15 percent limitation on supportive services, wages, and allowances under certain specific conditions. First, the request for a waiver must be initiated by the private industry council (PIC). Second, the waiver request with justifications must be contained in the job training plan for the service delivery area. Third, the service area must demonstrate that the need for the waiver is not due to administrative overages, and fourth, that the supportive services to be provided are not duplicative of services available to the participant without cost from any other public or private source."

Part B -- Additional State Responsibilities

Governor's Coordination and Special Services Plan "The Governor shall annually prepare a statement of goals and objectives for job training and placement programs within the State to assist in preparation of the plans ... [to be developed by the service delivery areas and the Employment Service]." Section 121(a)(1) NOTE: The Governor's plan must describe the use of all resources provided to the State, including oversight and support activities, priorities and criteria for State incentive grants, and performance goals for State supported programs, as well as criteria for coordinating activities with other agencies. Service activities may include programs for offenders and "other individuals whom the Governor determines require special assistance." The Governor's plan must be approved by the Secretary of Labor unless it does not comply with specific provisions of the act.

"The plan shall establish criteria for coordinating activities under this act ... with programs and services provided by State and local education and training agencies, public assistance agencies, rehabilitation agencies, postsecondary institutions, ... and other such agencies as the Governor determines to have a direct interest in employment and training and human resources utilization within the State." Section 121(b)(1) NOTE: The job training plans developed by service delivery areas must include a description of methods for complying with the coordination criteria in the Governor's plan. This emphasis on coordination could be helpful to programs that provide counseling, self assessment, career exploration, and other pre-employment services, by requiring linkages with programs that provide substantive education and job skills training.

State Job Training Coordinating Council "The State council shall be appointed by the Governor .... In making appointments ..., the Governor shall ensure that the membership... reasonably represents the population of the State .... Not less than 20 percent of the membership ... shall be representatives of the eligible population and of the general public, [organized labor, community-based organizations and education agencies.] ... The State council ... meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public." Section 122(a) NOTE: One-third of the council membership will be representatives of business and industry, and not less than 40 percent will be State and local government.

"The State council shall recommend a Governor's coordination and special services plan, ...substate service delivery areas, ... and variations in performance standards; ... review the operation of programs ...; identify ... the employment and training and vocational educational needs throughout the State ...." Section 122(b) NOTE: Because of these broad responsibilities, it is important that women's interests and issues are represented on these councils.

State Education Coordination and Grants Eight percent of the funds allocated to the State "shall be used by the Governor ... to provide financial assistance to any State education agency responsible for education and training ... to provide services ... and to facilitate coordination of education and training services for eligible participants through ... cooperative agreements." Section 123(a) NOTE: The education agency must match the Federal funds under these cooperative agreements, and 80 percent of the Federal money must be used to provide services.

Training Programs for Older Individuals [T]he Governor is authorized to provide job training programs ... to assure the training and placement of older individuals ...." Section 124(a)

"The Governor shall give consideration to assisting programs involving training for jobs in growth industries and jobs reflecting the use of new technological skills." Section 124(c)

"An individual shall be eligible to participate in a job training program under this section only if the individual is economically disadvantaged and has attained 55 years of age." Section 124(d)

Part C -- Program Requirement for Service Delivery System

General Program Requirements "Each job training plan shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities and shall make efforts to provide equitable services among substantial segments of the eligible population." Section 141(a) NOTE: Women make up a substantial segment of the eligible population. The conference report states: "It is not the intent of the Conferees that quotas be established by the inclusion of this language."

"Efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex." Section 141(d)(2)

Grievance Procedure "Each administrative entity, contractor, and grantee under this Act shall establish and maintain a grievance procedure for grievances or complaints ...." Section 144(a)

Part D Federal and Fiscal Administrative Provisions

Program Year "Beginning with fiscal year 1985 ... the program year shall begin on July 1 in the fiscal year for which the appropriation is made .... Funds obligated for any program year may be expended ... during that program year and the two succeeding program years ...." Section 161(a) and (b)

"There are authorized to be appropriated such additional sums as may be necessary to carry out ... the transition to program year funding." Section 161 (c)(2) NOTE: Funds appropriated for FY 83 will be utilized in the transition period during which CETA will be phased out.

Monitoring "The Secretary is authorized to monitor all recipients of financial assistance ... to determine whether they are complying with the provisions of this Act and the regulations ...." Section 163(a)

Nondiscrimination "For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance." Section 167(a)(1)

"No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief." Section 167(a)(2)

"Participation ... shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees ...." Section 167(a)(5)

NOTE: In Section 167(b) the act provides for enforcement of nondiscrimination provisions by the Secretary of Labor, including referral to the Attorney General, withdrawal of Federal financial assistance, or such other action as may be provided by law.

Part E Miscellaneous Provisions

Transition "Except as otherwise provided in this section, the Secretary, from funds appropriated pursuant to this Act or pursuant to the Comprehensive Employment and Training Act, shall provide financial assistance under this Act in the same manner that such assistance was provided under the Comprehensive Employment and Training Act ... until September 30, 1983." Section 181(a)

"All participants who are in programs funded under this Act, or under the Comprehensive Employment and Training Act, on September 30, 1983, shall be eligible to continue to participate in such programs, provided such programs have

been approved for funding under the service delivery area's newly effective job training plan." Section 181(k)

TITLE II -- TRAINING SERVICES FOR THE DISADVANTAGED

Part A -- Adult and Youth Programs

Within State Allocation "Six percent of the [State] allotment ... shall be used by the Governor to provide incentive grants for programs exceeding performance standards, including incentives for serving hard-to-serve individuals." Section 202(b)(3)

Eligibility for Services "Up to 10 percent of participants in all programs in a service delivery area ... may be individuals who are not economically disadvantaged if such individuals have encountered barriers to employment. Such individuals may include, but are not limited to, those who have limited English-language proficiency, or are displaced homemakers, school dropouts, teenage parents, handicapped, older workers, veterans, offenders, alcoholics, or addicts." Section 203(a)(2)

"... Except as provided [in sections 203(b)(2) and (3) below], 40 percent of the funds available for ... services shall be expended to provide ... services to eligible youth." Section 203(b)(1)

"To the extent that the ratio of econonomically disadvantaged youth to economically disadvantaged adults in the service delivery area differs from the ratio of such individuals nationally ... the amount ... [to be spent] for youth ... shall be reduced or increased proportionately ...." Section 203(b)(2)

WIN program registrants and eligible school dropouts "... shall be served on an equitable basis, taking into account their proportion of economically disadvantaged persons sixteen years of age and over in the area ...." Section 203(b)(3)

"[T]he term 'youth' means an individual who is aged 16 through 21." Section 203(c)(1) NOTE: According to Bureau of Labor Statistics data, 50.6 percent of the population 16 through 21 is female; Bureau of Census data show that 55.9 percent of the population 16 through 21 living below the poverty level is female.

Use of Funds "Services which may be made available to youth and adults [may include, but need not be limited to a broad range of such activities as outreach, counseling, training, job search assistance, job development, placement, remedial education and high school equivalency certificates, work experience, and vocational exploration.] Some specific examples of particular interest to women include: Section 204

"programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare the individual for career employment," Section 204(6)

"training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply," Section 204(7)

"supportive services necessary to enable individuals to participate in the program and to assist them in retaining employment for not to exceed 6 months following completion of training," Section 204(11) NOTE: Continuation of supportive services, such as child care, after beginning employment, are particularly necessary for many women participants.

"followup services with participants placed in unsubsidized employment," Section 204(25)

"needs-based payments necessary to participation in accordance with a locally developed formula or procedure." Section 204(27)

Exemplary Youth Programs "In addition to the services provided for youth [under section 204], the job training plan may ... include one or more ... exemplary youth programs described in sections 205 (b) through (e) ... [such as] education for employment programs,... preemployment skills training,... entry employment experience,... or school to work transition assistance programs." Section 205 NOTE: These exemplary programs are particularly effective in serving hard-to-serve populations, such as dropouts and teen mothers.

Part B -- Summer Youth Employment and Training Programs.

(Summer youth programs are funded separately under title II.) NOTE: There is no limitation on the proportion of funds that may be spent on supportive services under this section.

TITLE III--EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

Identification of Dislocated Workers "Each State is authorized to establish procedures to identify substantial groups of eligible individuals who (1) have been terminated or laid-off or who have received a notice of termination or lay-off from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation; (2) have been terminated or have received a notice of termination of employment, as a result of any permanent closures of a plant or facility; or (3) are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including any older individuals who may have substantial barriers to employment by reason of age." Section 302(a)

Authorized Activities "[T]raining and related employment services may include but are not limited to ... job search assistance, job clubs ... training in job skills,... pre-lay off assistance [and] relocation assistance...." Section 303

Matching Requirements "In order to qualify for financial assistance under this title, a State shall [match] ... an amount from public or private non-Federal sources equal to the amount made available [from Federal sources]." Section 304(a)(1) NOTE: The matching requirement is reduced if the State has higher than average unemployment. Also, State funds used to provide unemployment benefits may be credited for up to 50 percent of the State's matching requirement.

TITLE IV -- FEDERALLY ADMINISTERED PROGRAMS

Part A -- Employment and Training Programs for Native Americans and Migrant and Seasonal Farmworkers

Native American Programs "The Congress finds that ... serious unemployment and economic disadvantages exist among members of Indian, Alaskan Native, and Hawaiian Native communities;... [and] therefore declares that because of the special relationship between the Federal Government and most of the individuals to be served by the provisions of this section,... such programs shall be administered at the national level ...." Section 401(a)(b) NOTE: The conference report instructs the Secretary of Labor to "transmit a Report to Congress no later than October 1, 1983, which details the dimensions of unemployment and poverty among American Samoans and recommends specific actions that can be taken to carry out our historic responsibilities to these peoples."

Migrant and Seasonal Farmworker Programs "The Congress finds and declares that ... [because of] chronic seasonal unemployment and underemployment in the agricultural industry ... and because of farmworker employment and training problems, such programs shall be centrally administered at the national level." Section 402(a)(1)(2)

Part B -- Job Corps

Statement of Purpose "This part maintains a Job Corps for economically disadvantaged young men and women which ... authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling and other activities ...." Section 421

Individuals Eligible for the Job Corps "To become an enrollee in the Job Corps a young man or woman must be an eligible youth who - (1) [is between 14 and 22 years of age]; (2) is economically disadvantaged...; (3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife or other disorienting conditions as to substantially impair prospects for successful participation in other programs providing needed training, education, or assistance ...." Section 423

Special Provisions "The Secretary shall immediately take steps to achieve an enrollment of 50 percent women in the Job Corps consistent with (1) efficiency and economy ... (2) sound administrative practice; and (3) the socioeconomic, educational, and training needs of the population to be served." Section 437(a)

Part C -- Veterans' Employment Programs

Programs Authorized "The Secretary shall conduct, directly or through grant or contract, programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service." Section 441(a)(1)

Part D -- National Activities

Multistate Programs "Funds available to carry out this section shall be used for job training programs or services ... which are most appropriately administered at the national level and which are operated in more than one State [including] ... programs which require technical expertise available at the

national level and which serve the specialized needs of particular client groups, including offenders, individuals with limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older workers, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance." Section 451(a) and (b)

Research and Demonstration "The Secretary shall establish a program of experimental, developmental, and demonstration projects, through grants or contracts, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. Research activities may include studies, experiments, and pilot projects in such areas as ... eliminating artificial barriers to employment." Section 452(b)

Pilot Projects "(a)... [T]he Secretary may provide financial assistance for pilot projects which meet the employment-related needs of persons including the handicapped and displaced homemakers who face particular disadvantages in specific and general labor markets or occupations and other persons whom the Secretary determines require special assistance .... (b) Each pilot project ... shall be designed to assist in eliminating artificial and other employment barriers faced by such persons. (c) No project ... shall be financially assisted for more than three years under this Act. (d) In selecting recipients ... the Secretary shall give special consideration to applications submitted by community-based organizations of demonstrated effectiveness, as well as to labor unions and trade associations and their affiliates that address nationwide concerns through operating in more than one State." Section 453

Evaluation "The Secretary shall provide for the continuing evaluation of all programs, activities, and research and demonstration projects conducted pursuant to this Act, including their cost-effectiveness,... impact,... [and] the extent to which they meet the needs of persons by age, sex, race, and national origin, and the adequacy of the mechanism for delivery of services." Section 454(a)

"The Secretary shall evaluate the effectiveness of programs ... with respect to the statutory goals, the performance standards established by the Secretary, and of increases in employment and earnings for participants, reduced income support costs, increased tax revenues, duration in training and employment situations, information on the post-enrollment labor market experience of program participants for at least a year following their termination from such programs, and comparable information on other employees or trainees of participating employers." Section 454(b) NOTE: This section applies to all titles of this act.

Part E -- Labor Market Information

Job Bank Program "The Secretary is authorized to establish and carry out a nationwide computerized job bank and matching program." Section 465

Part F - National Commission for Employment Policy

Statement of Purpose "The purpose of this part is to establish a National Commission for Employment Policy which shall have the responsibility for examining broad issues of development, coordination, and administration of

employment and training programs, and for advising the President and the Congress on national employment and training issues." Section 471

Commission Established "... The Commission shall be composed of 15 members, appointed by the President... [who] shall be generally representative of significant segments of the labor force, including women and minority groups." Section 472(a)

Part G -- Training to Fulfill Affirmative Action Obligations

"A contractor subject to the affirmative action obligations of Executive Order 11246, as amended,... may establish or participate in training programs ... for individuals meeting the eligibility criteria ... [under this Act] ... which are designed to help such contractors in meeting [their] affirmative action obligations ...." Section 481(a)

"The Director of the Office of Federal Contract Compliance Programs, Department of Labor, shall promulgate regulations setting forth how the Office will determine, during a compliance review, the degree to which a training program will satisfy the contractor's affirmative action obligations ...." Section 481(b)(2)

"A contractor who has a training program which contains the criteria set forth [in this Act]... and which is in accordance with regulations promulgated [by OFCCP]... need only maintain an abbreviated affirmative action program,... to meet the written affirmative action program portion of their obligation [under EO 11246]." Section 481(b)(3) NOTE: The conference report states that "at a minimum" the short form affirmative action plan "should cover (1) a statement of the contractor's equal employment opportunity policy. (2) a work force analysis, (3) an utilization analysis, (4) the contractor's goals and timetables for any underutilization found pursuant to the utilization analysis, and (5) a description of the contractor's procedures for implementing its affirmative action obligations."

TITLE V -- MISCELLANEOUS PROVISIONS

Amendments to the Wagner-Peyser Act "The ... Wagner-Peyser Act [which established the Employment Service in 1933] is amended...." Section 501(a)

"Section 7(b) ... Ten percent of the sums allotted to each State [for the Employment Service] shall be reserved for use by the Governor ... to provide (1) performance incentives ... taking into account direct or indirect placements,... wages on entered employment, retention, and other appropriate factors; (2) services for groups with special needs...; and (3) the extra costs of exemplary models for delivering services ...." Section 501(c) NOTE: These amendments also change ... the allocation formula for funding of State Employment Services, based on the number of individuals in the civilian labor force and those unemployed in each State.

Amendments to Part C of Title IV of the Social Security Act [the WIN Program] "Section 433 (a) of such Act is amended by striking out 'unemployed fathers' and inserting in lieu thereof 'unemployed parents' who are the principal earners (as defined in section 407)" [of the Social Security Act]. Section 502(a)(2)

Time Line for JTPA Implementation
As Provided for in the Act

October 13, 1982	--	Job Training Partnership Act signed by President
December 12, 1982 181 (f) (5)	--	Regulations on establishment of State job training coordinating councils and designation of service delivery areas must be published for comment in Federal Register. (20 days prior to January 1, 1983, date for publication of final regulations.)
December 15, 1982 181 (f) (5)	--	Regulations on establishment of private industry councils must be published in Federal Register. (30 days prior to January 15, 1983 date for publication of final regulations.)
January 1, 1983 181 (f) (1)	--	Publication in the Federal Register of final regulations on establishing State job training coordinating councils and designation of service delivery areas.
January 15, 1983 181 (f) (2)	--	Publication in Federal Register of final regulations on establishment of private industry councils.
February 13, 1983 181 (f) (5)	--	Regulations on all aspects of programs under title II must be published for comment in the Federal Register. (30 days prior to March 15, 1983, date for publication of final regulations.)
March 15, 1983 181 (f) (3)	--	Publication in Federal Register of final regulations on all aspects of Title II programs.
April 13, 1983 106 (c)	--	Establishment of initial performance standards. (6 months after enactment of the act.)
August 31, 1983 181 (j) (1)	--	Job training plan for program period 10/83 through 6/84 must be submitted to Governor.
October 1, 1983 181 (j) (1)	--	All other regulations for programs must take effect by this date.
January 31, 1984 106 (d) (1)	--	Secretary will prescribe performance standards for the first program year.

Note: According to preliminary estimates by the Employment and Training Administration, U.S. Department of Labor, publication in the Federal Register will occur <u>prior</u> to the date required by law in most cases.

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